

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

### EXTRAORDINARY

### No. 3

#### GOVERNMENT OF GOA

Department of Law & Judiciary  
Legal Affairs Division

#### Notification

7-7-99/LA

The Goa Tillari Irrigation Development Corporation Act, 1999 (Goa Act 6 of 1999), which has been passed by the Legislative Assembly of Goa on 3-8-1999 and assented to by the Governor of Goa on 25-8-1999, is hereby published for general information of the Public..

*P. V. Kadnekar*, Joint Secretary (Law).

Panaji, 30th August, 1999.

#### THE GOA TILLARI IRRIGATION DEVELOPMENT CORPORATION ACT, 1999

#### INDEX

Sections	Contents
1.	Short title, extent and commencement
2.	Definitions
3.	Establishment of Goa Tillari Irrigation Development Corporation
4.	Constitution of Corporation
5.	Executive Committee
6.	Meetings of Corporation
7.	Constitution of Committees
8.	Provisions for inviting officers of Government and local authority
9.	Filling up of casual vacancy of Director
10.	Action not to be invalidated by vacancy, informality, etc.
11.	Officers and servants of Corporation
12.	Disqualification of all officers and staff.

Sections	Contents
13.	Authentication of Orders, etc., of the Corporation
14.	Vesting and transfer of property to the Corporation
15.	Decision of State Government on the vesting of property to be final
16.	Power of State Government to depute certain Government employees to the Corporation
17.	Functions of the Corporation
18.	General powers of the Corporation
19.	Water charges for supply of water for irrigation, industrial and domestic purpose
20.	Responsibility of the Corporation for payment of interest on borrowed money
21.	Prohibition of construction of dam, bandhara, weir, etc. except with the approval of the Corporation.
22.	Co-ordination with other authorities to minimise inconvenience caused by submergence
23.	Powers of State Government to issue directions
24.	Power to acquire land for purposes of this Act
25.	Transfer of Government land to the Corporation
26.	Power of Corporation to dispose of land, etc.
27.	Application of Corporation's assets, etc.
28.	Fund of the Corporation
29.	Contribution of State Government to Corporation fund
30.	Grants, subventions, loans and advances to Corporation
31.	Power of Corporation to borrow
32.	Acceptance of deposits by the Corporation
33.	Power to spend
34.	Reserve and other funds
35.	Submission of budget to Corporation
36.	Sanction of budget estimates
37.	Government as Guarantor
38.	Disposal of profits and deficits.
39.	Interest charges and other expenses to be added to and receipts taken for reduction of capital cost
40.	Depreciation Fund

Sections	Contents
41.	Apportionment of betterment charges levied by State Government
42.	Financial statement and programme of work
43.	Accounts and Audit
44.	Concurrent and special audit of accounts
45.	Furnishing of annual reports and returns, etc.
46.	Rehabilitation and resettlement of the project affected persons
47.	Execution of contracts, etc.
48.	Power of entry
49.	Dues to be recovered as arrears of land revenue
50.	Service of notice, etc.
51.	Public notice how to be made known
52.	Notice period for performance
53.	Default in performance of duties
54.	Offences by companies
55.	Authority for prosecution
56.	Compounding of offences by Corporation
57.	Penalty for obstruction
58.	Delegation of powers of Corporation
59.	Protection of action taken in good faith
60.	Chairman, Directors and Officers, etc. to be public servants
61.	Effect of provisions of Act inconsistent with other laws.
62.	Power to make rules
63.	Power to make regulations
64.	Power to remove doubts and difficulties
65.	Dissolution of Corporation
	Schedule

### The Goa Tillari Irrigation Development Corporation Act, 1999

(Goa. Act 6 of 1999) [25-8-1999]

AN

ACT

*to make a special provision for mobilisation of resources for completion of the Tillari Irrigation Project; a joint venture of the Government of Goa and the Government of Maharashtra, in time bound manner and for that purpose to establish the Goa Tillari Irrigation Development Corporation, and for purposes connected with the matters aforesaid.*

BE it enacted by the Legislative Assembly of Goa in the Fiftieth Year of the Republic of India as follows :-

#### CHAPTER I

##### PRELIMINARY

1. *Short title, extent and commencement.*— (1) This Act may be called the Goa Tillari Irrigation Development Corporation Act, 1999.

(2) It shall extend to the areas as specified in the Schedule and such other areas, as the State Government may, by notification in the Official Gazette, specify.

(3) It shall come into force at once.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “area of operation of the Corporation” means the area as specified in the Schedule and any other area or areas to which the provisions of this Act are extended by the State Government, by notification in the Official Gazette under sub-section (2) of section 1;

(b) “Corporation” means the Goa Tillari Irrigation Development Corporation established under section 3;

(c) “Director” means a Director of the Corporation;

(d) “Irrigation Department” means the Irrigation Department of the Government of Goa;

(e) “irrigation project” means the planning, construction, maintenance and management of the Tillari Irrigation Project and Command Area of the Project.

(f) “prescribed” means prescribed by rules made under this Act;

(g) “Regulations” means the regulations made under this Act;

(h) “Schedule” means the Schedule appended to this Act;

(i) “State Government” means the Government of Goa.

#### CHAPTER II

##### ESTABLISHMENT, CONDUCT OF BUSINESS AND EMPLOYEES OF THE CORPORATION

3. *Establishment of Goa Tillari Irrigation Development Corporation.*— (1) The State Government shall, by notification in the Official Gazette, establish for the purposes of this Act, a Corporation to be called the Goa Tillari Irrigation Development Corporation.

(2) The Corporation established under sub-section (1) shall be a body corporate having perpetual succession and a common seal, with power to contract, acquire, hold and dispose of property, both movable and immovable, and to do all things necessary for the purposes of this Act, and may sue and be sued by its corporate name.

(3) The Head Office of the Corporation shall be in Panaji.

4. *Constitution of Corporation.*— (1) The Corporation shall consist of the following members:-

- |     |   |   |          |
|-----|---|---|----------|
| (a) | A person possessing such qualifications as may be prescribed, to be appointed by the State Government | — | Chairman |
| (b) | Secretary, Irrigation, Government of Goa  | — | Director |

- |     |  |   |           |
|-----|--|---|-----------|
| (c) | Secretary,<br>Finance,<br>Government of Goa  | — | Director  |
| (d) | Chief Engineer,<br>Irrigation Department,<br>Government of Goa   | — | Director  |
| (e) | Additional Chief Engineer,<br>(Irrigation Project),<br>Irrigation Department,<br>Government of Goa     | — | Director  |
| (f) | Superintending Engineer,<br>Tillari Irrigation Project,<br>Irrigation Department,<br>Government of Goa | — | Director  |
| (g) | Three persons<br>to be nominated by<br>State Government.   | — | Directors |

(2) The Additional Chief Engineer (Irrigation Project) shall be the Managing Director of the Corporation and shall be Chief Executive Officer of the Corporation.

The Superintending Engineer (Tillari Irrigation Project) shall be the Joint Managing Director of the Corporation.

(3) The term of office of non-official Directors shall be for a period of five years unless it is terminated earlier by the State Government.

(4) The non-official Directors of the Corporation shall receive such compensatory allowances, for the purpose of meeting the personal expenditure in attending the meetings of the Corporation, as may be laid down by regulations.

5. *Executive Committee.*— (1) There shall be an Executive Committee consisting of the following :—

- |     |  |   |                  |
|-----|--|---|------------------|
| (a) | Person to be appointed by the<br>State Government or in his<br>absence Additional Chief Engineer<br>(Irrigation Project) | — | Chairman         |
| (b) | Joint Managing Director of the<br>Corporation  | — | Vice-Chairman    |
| (c) | Chief Accounts and<br>Finance Officer of the<br>Corporation  | — | Member           |
| (d) | Executive Engineer, Works<br>Division-VIII   | — | Member-Secretary |

(2) The powers, functions and duties of the Executive Committee shall be such as may be laid down by regulations.

6. *Meetings of Corporation.*— (1) The Corporation shall meet at such times and at such places as the Chairman may decide and shall, subject to the provisions of sub-section (3), observe such

rules of procedure in regard to the transaction of business at its meetings (including the quorum thereof) as may be laid down by the regulations:

Provided that, at least one meeting shall be held in every calendar month in such a manner so as to ensure that not more than thirty days intervene between two meetings.

(2) The Chairman or, in his absence, one of the Official Directors shall preside at every meeting of the Corporation.

(3) A Director, who is directly or indirectly concerned or interested in any contract, loan, arrangement or proposal entered into or proposed to be entered into, by or on behalf of the Corporation, shall, at the earliest possible opportunity, disclose the nature of his interest to the Corporation, and shall not be present at any meeting of the Corporation when any such contract, loan, arrangement or proposal is discussed, unless his presence is required by the other Directors for the purpose of eliciting information, but no Director so required to be present shall vote on any such contract, loan, arrangement or proposal:

Provided that, a Director shall not be deemed to be concerned or interested as aforesaid by reason only of his being a shareholder of a company in any such contract, loan, arrangement or proposal.

7. *Constitution of Committees.*— The Corporation may, from time to time, constitute committee(s), consisting of such number of Directors as it may think proper and may delegate to such committee(s) such powers of the Corporation as it may deem fit for carrying out the purposes of this Act.

8. *Provisions for inviting officers of Government and local authority.*— (1) The Corporation or any of its committees may invite any Officer of the Central Government, State Government, local authority or any organisation or any persons to attend its meetings as special invitees for the purpose of assisting or advising it on any matter or matters. The Officer or person so invited may take part in the proceedings, but shall have no right to vote.

(2) The Officer or person so invited shall be entitled to draw such honorarium or compensatory allowance for the purpose of meeting the personal expenditure in attending the meetings of the Corporation or any of its committees as the Corporation may determine, from time to time.

9. *Filling up of casual vacancy of Director.*— Any vacancy of a Director of the Corporation shall be filled as early as practicable, in like manner as if the appointment is being made for the first time.

10. *Action not to be invalidated by vacancy, informality, etc.*— No act done or proceedings taken under this Act by the Corporation or Committee appointed by the Corporation shall be invalidated merely on the grounds of,—

(a) any vacancy of Director or any defect in the constitution or re-constitution of the Corporation or a committee thereof; or

(b) any defect or irregularity in the appointment of a person as Director of the Corporation or of a committee thereof; or

(c) any defect or irregularity in such act or proceedings, not affecting the substance.

11. *Officers and servants of Corporation.*— (1) The State Government shall appoint for the Corporation a Chief Accounts and Finance Officer not below the rank of Joint Director from the Goa Finance and Accounts Service:

(2) The Corporation may, with the prior approval of the State Government, appoint such other officers and servants as it considers necessary for the efficient performance of its duties.

(3) The conditions of appointment and service of the officers and servants and their scale of pay shall,—

(a) as regards the officer mentioned in sub-section (1), be such as may be prescribed, and

(b) as regards the officers and servants mentioned in sub-section (2), be such as may be laid down, from time to time, by regulations.

(4) Subject to the superintendence of the Corporation, the Managing Director shall supervise and control all its officers and employees including any officer of the State Government appointed on deputation to the Corporation.

12. *Disqualification of all officers and staff.*— No person who has, directly or indirectly, by himself or by his partner or agent, any share or interest in any contract, by or on behalf of the Corporation or in any employment under, by or on behalf of the Corporation otherwise than as an officer or staff thereof, shall be qualified to be an officer or staff of the Corporation.

13. *Authentication of orders, etc. of the Corporation.*— All proceedings of the Corporation shall be authenticated by the Chairman and all orders and instruments of the Corporation, shall be authenticated by the Chief Executive Officer or any other officer of the Corporation as may be authorised in this behalf by regulations.

### CHAPTER III

#### VESTING OF PROPERTY, ASSETS, LIABILITIES AND OBLIGATIONS AND TRANSFER OF EMPLOYEES

14. *Vesting and transfer of property to the Corporation.*— (1) From such date as may be specified from time to time, by the State Government (hereinafter in this section referred to as "the appointed date"),—

(a) the assigned projects of the Corporation and their assets comprising movables and immovables including irrigation project works under construction, specified in that behalf, situated in the area of operation of the Corporation, which immediately before the appointed date vested in the State Government and were under the control of the Irrigation Department, shall vest in and stand transferred to the Corporation, and all income derived and expenses incurred in that behalf be brought on the books of the Corporation; and

(b) the rights, liabilities and obligations of the State Government, whether arising out of any contract or otherwise pertaining to the said projects of the State Government, shall be deemed to be the rights, liabilities and obligations of the Corporation.

(2) Such properties, assets, rights, liabilities and obligations shall be valued in such manner as the State Government may determine.

(3) All suits and other legal proceedings with respect to any Scheme for the development of the Tillari Irrigation Project entrusted to the Corporation, instituted or defended by or against the State Government before the appointed date may be continued, or instituted, or defended by or against the Corporation.

15. *Decision of State Government on the vesting of property to be final.*— Where any doubt or dispute arises as to whether any property or assets have vested in the Corporation under section 14 or any rights, liabilities or obligations have become the rights, liabilities or obligations of the Corporation under that section, such doubt or dispute shall be referred to the State Government, whose decision thereon shall be final.

16. *Power of State Government to depute certain Government employees to the Corporation.*— (1) Where, on account of conferment of any powers, duties and functions on the Corporation by or under this Act, in the opinion of the State Government, any employee in the field establishments, that is, officers and employees belonging to technical as well as ministerial and non-ministerial staff (permanent, regular, temporary) in the Irrigation Department, on the date specified by the State Government engaged in the fields of planning, investigation, design, construction, management, land development of the State sector of Tillari Irrigation Project, have been rendered surplus or are likely to be rendered surplus, wholly or partially, to the requirements of the State Government or where the services of such officers and servants are required by the Corporation for efficient exercise of its powers, performance of its duties or discharge of its functions, the State Government, or any officer authorised by the State Government in this behalf, may, from time to time, having regard to the necessity therefor, by order, depute such officers or employees to the Corporation and the Corporation shall take them over and employ them on deputation, subject to the provisions of this section.

(2) The period of deputation of any such employee to the Corporation shall be five years except when any such person is required to be repatriated on the grounds such as promotion, reversion, termination or superannuation or any other reasons as may be directed by the State Government. After the expiry of the period of deputation, he shall stand repatriated to service under the State Government.

Provided that, during the period of such deputation, all matters relating to pay, leave, allowances, retirement, pension, provident fund and other conditions of service of the employees on deputation shall be regulated by the rules applicable to the State Government employees or such rules as may, from time to time, be made by the State Government.

(3) All regular, temporary and permanent employees of the said establishment transferred on deputation to the Corporation under sub-section (1) shall have a lien on their posts in the service under the State Government and the period of their service under the Corporation shall, on their repatriation to the services under the State Government, be counted for their increments, pension, and other matters relating to their service.

(4) The Corporation shall have the authority to transfer the officers and staff members within the area of operation of the Corporation.

(5) No employee on deputation to the Corporation shall be entitled to any deputation allowance.

(6) The salaries and allowances of employees on deputation to the Corporation shall be paid from the Corporation fund.

(7) Save as otherwise provided in this section, the terms and conditions of service of employees on deputation to the Corporation, shall not be less advantageous than those applicable to them immediately before deputation and shall not be varied to their disadvantage except with the previous sanction of the State Government.

#### CHAPTER IV

#### FUNCTIONS AND POWERS OF THE CORPORATION

17. *Functions of the Corporation.*— The functions of the Corporation shall be,—

(a) to promote and operate the Tillari Irrigation Project and Command Area Development;

(b) to plan, investigate, design, construct and manage the Tillari Irrigation Project and its Command Area Development;

(c) to enter into contracts in respect of the works and any other matters transferred to the Corporation along with assets and liabilities;

(d) to invite tenders, bids and enter into contracts for the purpose of all the activities of the Corporation;

(e) to promote participation of any person or body or association of individuals, whether incorporated or not, in planning, investigation, designing, construction and management of the Tillari Irrigation Project and command area development;

(f) to undertake Schemes or works, either jointly with other corporate bodies, or institutions, or with Government or local authorities or on agency basis in furtherance of the purposes for which the Corporation is established and all matters connected therewith;

(g) to prepare annual plan and five-year working plan;

(h) to prepare annual budget.

18. *General powers of the Corporation.*— (1) The Corporation shall have the power to accord technical sanction, acceptance of all tenders, sanctioning budget and making financial provisions, settling disputes arising out of contracts and any other thing which may be necessary or expedient for the purposes of carrying out its functions under this Act.

(2) Without prejudice to the generality of the foregoing provision, such power shall include power,—

(a) to acquire and hold property, both movable and immovable, as the Corporation may deem necessary for the performance of any of its functions, duties, activities and to lease, sell, exchange or otherwise transfer any property held by it on such conditions as may be deemed proper by the Corporation;

(b) to construct or cause to be constructed such dams, barrages, reservoirs, irrigation works, flood control and drainage canals and such other works and structures that may be required;

(c) to utilise the water and other resources in most economical manner for the Tillari Valley, Mandovi Valley and Terekhol Valley in North Goa District of Goa;

(d) to engage suitable qualified consultant or person having special knowledge or skill to assist the Corporation in the performance of its functions;

(e) to do all such other things including making interest bearing monetary advances to the contractors executing works on the projects of the Corporation and perform such acts as may be necessary for, or incidental or conducive to any matters which are necessary for furtherance of the objectives for which the Corporation is established.

19. *Water charges for supply of water for irrigation, industrial and domestic purpose.*— The Corporation shall, from time to time, determine and levy water charges according to volume, for supply of water for irrigation, industrial and domestic purposes to the State Government, local authorities, Government agencies, cultivators and water users associations.

20. *Responsibility of the Corporation for payment of interest on borrowed money.*— The Corporation shall pay the interest charges on the borrowed money through the recovery of water charges.

21. *Prohibition of construction of dam, bandhara, weir, etc. except with the approval of the Corporation.*— No person shall construct, operate or maintain within the area of operation of the Corporation any dam, bandhara or weir or other work or any installation for the extraction of surface water without prior approval of the Corporation.

22. *Co-ordination with other authorities to minimise inconvenience caused by submergence.*— The Corporation shall keep co-ordination with the State Government, Railway authorities, local authorities and statutory bodies with a view to minimising the inconvenience likely to be caused by the submergence of railways, lands, roads and communications and shall bear the cost of

any re-alignment thereof or re-settlement of any population rendered necessary by such submergence.

23. *Powers of State Government to issue directions.*— The State Government may issue to the Corporation such general or special directions as to policy or exercise of the powers or performance of the functions by the Corporation, excepting in respect of levying and recovery of water charges by the Corporation, as it may think necessary or expedient for carrying out the purposes of this Act and the Corporation shall be bound to follow and act upon such directions.

#### CHAPTER V

#### ACQUISITION OF LAND

24. *Power to acquire land for purposes of this Act.*— The State Government may, for carrying out the purposes of this Act, compulsorily acquire land under the Land Acquisition Act, 1894 (Central Act I of 1894) and the acquisition of any land for any of the said purposes shall be deemed to be a public purpose within the meaning of that Act.

25. *Transfer of Government land to the Corporation.*— (1) For the furtherance of the objects of this Act, the State Government may, by notification in the Official Gazette, upon such conditions as may be agreed upon between the State Government and the Corporation, place at the disposal of the Corporation any lands vested in the State Government:

Provided that, the State Government shall not place at the disposal of the Corporation any lands which are notified and included in the reserved forest.

(2) After any such land has been so placed at the disposal of the Corporation, it shall be dealt with by the Corporation in accordance with the provisions of this Act, or the rules or regulations made thereunder and the directions, if any, given by the State Government in this behalf.

(3) If any land placed at the disposal of the Corporation under sub-section (1) is not required by the Corporation, the State Government may ask the Corporation to transfer it back to the State Government upon such terms and conditions as may be mutually agreed upon.

26. *Power of Corporation to dispose of land, etc.*— Subject to any rules made by the State Government under this Act, the Corporation may retain, lease, sell, exchange or otherwise dispose of any land, any building or other property vested in it, in such a manner as it thinks fit for carrying out the purposes of this Act.

#### CHAPTER VI

#### FINANCE, ACCOUNTS AND AUDIT

27. *Application of Corporation's assets, etc.*— All property, fund and other assets vesting in the Corporation shall be held and applied by it, for the purposes of this Act.

28. *Fund of the Corporation.*— (1) The Corporation shall have and maintain its own fund, to which shall be credited,—

(a) all moneys received by the Corporation from the State Government by way of grants, subventions, loans, advances and the loans raised under this Act;

(b) all fees, costs and charges received by the Corporation under this Act;

(c) all moneys received by the Corporation from the disposal of lands, buildings and other properties, movable and immovable and other transactions;

(d) all moneys received by the Corporation by way of water charges, rents, and profits or from any other source.

(2) The Corporation may keep current and deposit account with the State Bank of India or any other Bank approved by the State Government in this behalf.

(3) Such accounts shall be operated by such officers of the Corporation as may be authorised by it in this behalf.

(4) Notwithstanding anything contained in sub-sections (2) and (3), the Corporation may keep on hand such sum as it thinks fit for its day to day transactions, subject to such limits and conditions as may be prescribed.

29. *Contribution of State Government to Corporation fund.*— (1) The State Government shall, by appropriation duly made in this behalf from time to time, provide such funds as it may deem necessary, as its share of the capital required by the Corporation, for the performance of the functions of the Corporation under this Act:

Provided that, the contribution made by the State Government shall be exclusive of the expenditure incurred by the State Government for and in connection with the establishment of the Corporation.

(2) The capital provided by the State Government shall not carry any interest.

30. *Grants, subventions, loans and advances to Corporation.*— The State Government may, after due appropriation made by the State Legislature by law in this behalf, make such grants, subventions, loans and advances to the Corporation as it may deem necessary for the performance of the functions of the Corporation under this Act; and all grants, subventions, loans and advances made shall be on such terms and conditions as the State Government may determine.

31. *Power of Corporation to borrow.*— (1) The Corporation may, subject to such conditions as may be prescribed in this behalf, borrow money from the financial institutions or non-resident Indians or from the open market by issue of guaranteed or un-guaranteed bonds, debentures, stocks, cash certificates, fixed deposit receipts and otherwise, for the purpose of providing itself with adequate resources.

(2) The maximum amount which the Corporation may at any time have on loan under sub-section (1) shall not exceed Rupees 90 crores, unless the State Government fixes a higher maximum limit for this purpose.



32. *Acceptance of deposits by the Corporation.*— The Corporation may accept deposits on such conditions as it deems fit from persons, authorities or institutions, to whom allotment or sale of land or buildings or fishing rights is made or is likely to be made in furtherance of the objects of this Act.

33. *Power to spend.*— The Corporation shall have the authority to spend such sums as it thinks fit for the purposes authorised under this Act from and out of the fund of the Corporation referred to in section 28 or from the reserve and other funds referred to in section 34, as the case may be.

34. *Reserve and other funds.*— (1) The Corporation shall make provisions for such reserve and other specially denominated funds as the State Government may, from time to time, direct.

(2) The management of the funds referred to in sub-section (1), the sums to be transferred, from time to time, to the credit thereof and the application of money comprised therein, shall, subject to the directions, if any, issued by the State Government in this behalf, be determined by the Corporation.

(3) None of the funds referred to in sub-section (1), shall, except with the previous approval of the State Government, be utilised for any purposes other than that for which it is constituted.

35. *Submission of budget to Corporation.*— (1) The Managing Director of the Corporation, shall, at a special meeting to be held in the month of September in each year, lay before the Corporation the budget estimates of the Corporation for the next year.

(2) Every such budget estimate shall be prepared in such form as the State Government may, from time to time, by order, determine and shall provide for,—

(i) the proposals, plans and projects which the Corporation proposes to execute, either in part or in whole, during the next year;

(ii) the due fulfillment of all the liabilities of the Corporation; and

(iii) the implementation of the provisions of this Act;

and such estimates shall contain a statement showing the estimated income and expenditure on capital and revenue accounts for the next year and such other particulars, indicating the financial performance of the Corporation, as the State Government may direct. The budget shall clearly reveal the financial outlay and performance.

36. *Sanction of budget estimates.*— The Corporation shall consider the budget estimates submitted to it under section 35 and approve the same with or without modifications on or before such date as the State Government may, from time to time, determine.

37. *Government as Guarantor.*— The State Government may guarantee the repayment of any loans and payments of interest on all or any of the loans, given or transferred to the Corporation.

38. *Disposal of profits and deficits.*— (1) Subject to the provisions of sub-section (2) of section 40 of this Act, the net profit, if any, attributable to each of the main objects shall be fully credited to the Corporation.

(2) The net deficit, if any, in respect of the objects shall be solely borne by the State Government.

39. *Interest charges and other expenses to be added to and receipts taken for reduction of capital cost.*— The interest charges and all other expenditure shall be added to the capital cost and all receipts shall be taken in reduction of such capital cost, if the Corporation is in deficit.

40. *Depreciation Fund.*— (1) The Corporation may make provisions for depreciation fund at such rates and on such terms as may be specified by the Comptroller and Auditor General of India, and in consultation with the State Government.

(2) The net profit for the purpose of section 38 shall be determined after such provision has been made.

41. *Apportionment of betterment charges levied by State Government.*— In the event of any betterment levy being imposed by the State Government, the apportionment of proceeds thereof insofar as they are attributable to the operations of the Corporation, shall be credited to the Corporation.

42. *Financial statement and programme of work.*— (1) The Corporation shall, by such date in each financial year, as may be prescribed, prepare and submit to the State Government for approval an annual financial statement and the programme of work for succeeding financial year and the State Government may approve such financial statement and the programme of work of the Corporation as submitted by the Corporation or with such variations as the State Government thinks fit.

(2) The annual financial statement shall show the estimated receipts and expenditure during the succeeding financial year in such form and detail as may be prescribed.

(3) The Corporation shall be competent to make variations in the approved programme of work in the course of the financial year provided that all such variations and re-appropriations out of the sanctioned budget are brought to the notice of the State Government by a supplementary financial statement.

(4) A copy each, of the annual financial statement and the programme of work and the supplementary financial statement, if any, shall be placed before the State Legislature as soon as may be after their receipt by the State Government.

43. *Accounts and Audit.*— (1) The Corporation shall maintain books in relation to the business and transactions in such form, and in such manner, as may be prescribed.

(2) The accounts of the Corporation shall be audited by an Auditor appointed by the State Government, in consultation with the Comptroller and Auditor General of India.

(3) Within nine months from the end of the financial year, the Corporation shall send a copy of the accounts audited together with a copy of the report of the Auditor thereon to the State Government.

(4) The State Government shall cause the accounts of the Corporation together with the audit report thereon forwarded to

it under sub-section (3) to be laid before the State Legislature, as far as possible, before the expiry of the year next succeeding the year to which the accounts and the report relate.

44. *Concurrent and special audit of accounts.*—(1) Notwithstanding anything contained in the last preceding section, the State Government may order that there shall be concurrent audit of the accounts of the Corporation by such person as it thinks fit. The State Government may also direct a special audit to be made by such person as it thinks fit of the accounts of the Corporation relating to any particular transactions or class or series of transactions or to a particular period.

(2) When an order is made under sub-section (1), the Corporation shall present or cause to be presented for audit all such accounts and shall furnish to the person appointed under sub-section (1) such information as the said person may require for the purpose of audit.

## CHAPTER VII

### MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

45. *Furnishing of annual reports and returns, etc.*—(1) The Corporation shall prepare and submit to the State Government, in such form as may be prescribed, an annual report within six months after the end of every financial year of its activities during the previous financial year, with particular reference to,—

- (a) irrigation, command area development and flood control;
- (b) water supply;
- (c) use of lands;
- (d) re-settlement of displaced persons; and
- (e) other activities of the Corporation.

(2) The Corporation shall also furnish to the State Government such returns, statistics, reports, accounts and other information with respect to its conduct of affairs, properties or activities or in regard to any proposed work or Scheme as the State Government may, from time to time, require.

46. *Rehabilitation and resettlement of the project affected persons.*— The rehabilitation and resettlement of the persons affected due to irrigation project shall be carried out on terms and conditions as mutually agreed between the Corporation and the Maharashtra Government:

Provided that, all the expenditure required to be incurred by the State Government for the rehabilitation and the resettlement of persons affected by the irrigation project shall be borne by the Corporation.

47. *Execution of contracts, etc.*— Every contract or assurance of property on behalf of the Corporation shall be in writing and executed by such authority or Officer and in such manner as may be provided by regulations.

48. *Power of entry.*— Any officer or servant of the Corporation generally or specially authorised by the Corporation may at all

reasonable times enter upon any land or premises and do such things as may be necessary for the purpose of lawfully carrying out any of its work or making any survey, examination or investigation, preliminary or incidental to the exercise of powers or the performance of functions by the Corporation under this Act.

49. *Dues to be recovered as arrears of land revenue.*— All sums due or payable by any person to the Corporation or recoverable by it on account of any charge, costs, expenses, fees, rent, compensation, or on any other account under this Act or any rule or regulation made thereunder or any agreement made with the Corporation and all charges or expenses incurred in connection therewith shall, without prejudice to any other mode of recovery, be recoverable as an arrears of land revenue.

50. *Service of notice, etc.*—(1) All notices, orders and other documents required by this Act or any rules or regulations made thereunder to be served upon any person shall, save as otherwise provided in this Act or such rules or regulations, be deemed to be duly served,—

(a) where a person to be served is a company, if the service is effected in accordance with provisions of section 51 of Companies Act, 1956 (Central Act I of 1956);

(b) where the person to be served is a firm, if the document is addressed to the firm at its principal place of business, identifying it by the name and style under which its business is carried on and is either,—

- (i) sent under a certificate of posting or registered post; or
- (ii) left at the said place of business;

(c) where the person to be served is a statutory public body or a corporation or a society or other body, if the document is addressed to the Secretary, Treasurer or other officer of that body, Corporation or Society at its principal office and is either,—

- (i) sent under a certificate of posting or by registered post; or

- (ii) left at that office;

(d) in any other case, if the document is addressed to the person to be served and,—

- (i) is given or tendered to him; or

(ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates; or

- (iii) is sent under a certificate of posting or by registered post to that person.

(2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed to "the owner" or "the occupier", as the case may be, of that land



or building (naming that land or building and specifying the name or description), and shall be deemed to be duly served,—

(a) if the document so addressed is sent or delivered in accordance with clause (d) of sub-section (1); or

(b) if the document so addressed or a copy thereof so addressed is given or tendered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered, is affixed to some conspicuous part of the land or building.

(3) Where a document is served on the firm in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any property, the occupier (if any) of the property may be required by notice in writing by the State Government or the Corporation, as the case may be, to state the name and address of the owner thereof.

51. *Public notice how to be made known.*— Every public notice given under this Act or any rule or regulation made thereunder shall be in writing and under the signature of the officer concerned and shall be widely made known in the locality or in the farms or estates to be affected thereby by affixing copies thereof in conspicuous public places, within the said locality or the said farms or estates, or by any other means that the officer may think fit.

52. *Notice period for performance.*— Where any notice, order or other document issued or made under this Act or any rule or regulation made thereunder requires anything to be done for the doing of which no time is fixed in this Act or the rule or regulation, the notice, order or other document shall specify a reasonable period of time for doing the same or complying therewith.

53. *Default in performance of duty.*— (1) If the State Government is of the opinion that the Corporation has made a default in the performance of any duty or obligation imposed or cast on it by or under this Act, the State Government may fix a period for the performance of that duty or obligation and give notice to the Corporation accordingly.

(2) If, the Corporation fails or neglects to perform such duty or obligation within the period so fixed for its performance, it shall be lawful for the State Government to supersede and reconstitute the Corporation as it deems fit.

(3) After the supersession of the Corporation and until it is reconstituted in the manner laid down in Chapter II, the powers, duties and functions of the Corporation under this Act shall be carried on by the State Government or by such officer or officers or body of officers as the State Government may appoint for this purpose, from time to time.

(4) All property vested in the Corporation shall, during the period of such supersession, vest in the State Government.

54. *Offences by companies.*— (1) Where an offence under this Act has been committed by a company, every person who, at the

time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation*— For the purpose of this section,—

(a) “company” means a body corporate and includes a firm, association of persons or body of individuals, whether incorporated or not, and

(b) “director”, in relation to a firm, means a partner in the firm, and in relation to any association of persons or body of individuals, means any member controlling the affairs thereof.

55. *Authority for prosecution.*— Unless otherwise expressly provided, no Court shall take cognizance of any offence relating to property belonging to or, vested by or under this Act in the Corporation, punishable under this Act except on the complaint of, or upon information received from the Corporation or some person authorised by the Corporation by general or special order in this behalf.

56. *Compounding of offences by Corporation.*— (1) The Corporation or any person authorised by the Corporation by general or special order in this behalf may, either before or after the institution of the proceedings, compound any offence made punishable by or under this Act.

(2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

57. *Penalty for obstruction.*— Any person who obstructs the entry of a person authorised under section 48 to enter into or upon any land or building or molests such person after such entry or who obstructs the lawful exercise by him of any power conferred by or under this Act, shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with a fine which may extend to one thousand rupees or with both.

58. *Delegation of powers of Corporation.*— The Corporation may, through the Managing Director of the Corporation and with the previous approval of the State Government, delegate any of its powers under this Act to any officer of the State Government or to any of its officers and to permit them to re-delegate specific

powers to their subordinates, by general or special order in this behalf.

59. *Protection of action taken in good faith.*— No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or rules or regulations made thereunder.

60. *Chairman, Directors and Officers, etc. to be public servants.*— The Chairman, Directors and Officers and servants on deputation or of the Corporation, as the case may be, shall, while acting or purporting to act in pursuance of any of the provisions of this Act or rules or regulations made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Act 5 of 1860).

61. *Effect of provisions of Act inconsistent with other laws.*— The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

62. *Power to make rules.*— (1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) All rules made under this Act shall be subject to the condition of previous publication.

63. *Power to make regulations.*— (1) The Corporation may, with the previous approval of the State Government, make regulations consistent with this Act and the rules made thereunder for all or any of the matters to be provided under this Act by regulations and generally for all other matters for which provision is, in the opinion of the Corporation, necessary for the exercise of its powers and the discharge of its functions under this Act.

(2) Pending making of regulations by the Corporation, the rules and procedures followed by the Irrigation Department which are not inconsistent with this Act shall, be followed by the Corporation for carrying out its functions.

64. *Power to remove doubts and difficulties.*— If any doubt or difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, make provisions or give such directions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the doubt or difficulty:

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

65. *Dissolution of Corporation.*— (1) Where the State Government is satisfied that the purposes for which the Corporation was established under this Act have been substantially achieved so as to render the continued existence of the Corporation, in the opinion of the State Government, unnecessary, the State Government may, by notification in the Official Gazette, declare that the Corporation shall stand dissolved with effect from such date as may be specified in the notification, and the Corporation shall be deemed to be dissolved accordingly and upon such dissolution the Directors (including the Chairman) shall vacate their respective offices.

(2) From the said date,—

(a) all properties, funds and dues which are vested in, or realisable by, the Corporation shall vest in, or be realisable by, the State Government;

(b) all liabilities which are enforceable against the Corporation shall be enforceable against the State Government.

#### SCHEDULE

[See section 1 (2) and 2 (a)]

Area to which the Goa Tillari Irrigation Development Corporation Act, 1999, extends.

Catchment area, submergence area, Command Area of the Tillari Irrigation Project within the geographical limits of the Districts specified against Sr. No. 1.

Sr. No	Name of the Project	District Covered
1.	Tillari Inter-State Project	Sindhudurg District of Maharashtra  North Goa District of Goa

Secretariat Annexe,  
Panaji,  
Dated: 30-8-1999

B. S. SUBBANNA,  
Secretary to the Government of Goa  
Law Department (Legal Affairs)